

AMENDMENT

## IN THE SPECIFICATION:

The paragraph on page 1 under CROSS-REFERENCE TO RELATED APPLICATIONS should be deleted, and the following paragraph (not numbered) and the paragraph currently numbered [01] under "The Field of the Invention" on page 1 should be inserted in lieu thereof:

[01.1] The present application is related to U.S. Patent Application No. 09/964,668 "Vehicle Traffic Sensor" by inventors David V. Arnold, Logan C. Harris, Michael A. Jensen, Thomas William Karlinsey, John B. Dougall, Jr., and Ryan Smith, filed concurrently herewith and incorporated by reference.

## BACKGROUND OF THE INVENTION

## 1. The Field of the Invention

[01.2] The present invention relates to roadway traffic monitoring, and more particularly, to determining the presence and location of vehicles traveling upon a multilane roadway.

**RESPONSE**

Applicant respectfully requests the Examiner to reconsider the above-identified application in view of the following remarks.

Claims 1-21 are pending in the application. Claims 1-21 have been rejected.

**I. Rejections under 35 U.S.C. 102(a)**

Claims 1-21 were rejected by the Examiner under 35 U.S.C. 102(a) as being clearly anticipated by an undated article submitted by the Applicant in the IDS of 3/01/02 entitled "Automatic Lanc Detection" (the "Article"). Applicant has submitted with this response, declarations by Jonathan L. Waite and Thomas W. Karlinsey, two of the named inventors, under 37 C.F.R. § 1.132 (the "Waite and Karlinsey declarations"). The purpose of the submitted declarations is to clearly demonstrate that the Article is not prior art to Applicant's invention.

More specifically, the Article was inadvertently submitted as part of the Information Disclosure Statement of March 1, 2002. (Waite and Karlinsey decs. ¶ 5.) The Article was submitted due to a misunderstanding and was only an internal memorandum. (*Id.* ¶ 2.)

The Article was an internal memorandum created by Mr. Waite and Mr. Karlinsey and relates to certain aspects of the subject invention. (*Id.* ¶¶ 2, 4.) The Article was neither publicly disclosed nor publicly accessible prior to the filing date of the application for the subject invention (*Id.* ¶¶ 2, 3.) and is currently not publicly disclosed or publicly accessible. (*Id.* ¶ 4.)

As fully demonstrated from the above, the Article does not function as prior art against the subject invention. The Examiner has not raised any other impediment to allowance and Applicant respectfully suggests that the Examiner's rejection has been overcome by removal of the Article as a